

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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| Preston Byron Knapp and Michelle Nichole Knapp, Plaintiffs, vs. Compass Minnesota, LLC and Daniel Phillip Hollerman, Defendants. | Case No.: 0:24-cv-00100 (SRN/DTS) DEFENDANT COMPASS MINNESOTA, LLC'S RESPONSE TO PLAINTIFFS' MOTION TO STAY ENFORCEMENT OF JUDGMENT PENDING APPELLATE DECISION, OR IN THE ALTERNATIVE, REQUEST TO FIX BOND PURSUANT TO RULE 62(b) |
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Defendant Compass Minnesota, LLC ("Compass") hereby files its response to Plaintiffs' Motion to Stay Enforcement of Judgment.

Under Rule 62(b) of the Federal Rules of Civil Procedure, a stay of execution pending appeal can be allowed "if the party seeking the stay posts 'a bond or other security.'" *Willis Elec. Co., Ltd. v. Polygroup Ltd.*, No. 15-cv-3443 (JNE/DTS), 2024 U.S. Dist. LEXIS 69767, at *5 (D. Minn. Apr. 17, 2024). While this Court can waive the bond requirement in extraordinary circumstances, Plaintiffs are neither seeking such a waiver nor have they attempted to meet the high burden required to waive the bond requirement. *See id.* at *5–7. Typically, courts in the District of Minnesota "require the bond to be set in the full amount of the judgment plus interests, costs, and damages for delay." *Id.*, at *5 (quotation omitted).

Accordingly, Compass does not oppose the granting of a stay of enforcement pending appeal, if: (1) Plaintiffs are required to file a bond issued by a surety corporation

authorized by the U.S. Department of Treasury to provide surety bonds pursuant to 31 U.S.C. § 9305; (2) the form of the bond is approved by the Court; and (3) the bond is in an amount deemed by this Court to be sufficient to secure payment of the entire judgment, including accruing interest, costs, and damages for delay.

Absent a validly posted bond from an authorized surety company, Compass opposes Plaintiffs' motion.

FOLEY & MANSFIELD, PLLP

Dated: November 5, 2024

By: /s/ Tessa Mansfield Hirte

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